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3 **STATE OF OREGON**
4 **DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**
5 **DIVISION OF FINANCE AND CORPORATE SECURITIES**

6 In the Matter of:

7 Nichole Therese Kenny (NMLS ID# 635397),
8 Respondent.

Case No. M-14-0013

Order Granting Conditional Mortgage Loan
Originator License and Consent to Entry of
Order

9
10 **WHEREAS** the Director of the Department of Consumer and Business Services
11 for the State of Oregon (“Director”) conducted an investigation into the fitness of Nichole
12 Therese Kenny (hereinafter “Kenny” or “Respondent”) to obtain a mortgage loan
13 originator license under Oregon Revised Statutes (ORS) 86A.200 to 86A.239 and Oregon
14 Administrative Rules (OAR) 441-850-0005 through 441-885-0010 (hereinafter
15 collectively referred to as “Oregon Loan Originator Law”);

16 **WHEREAS** the Director has determined that the public interest is served by
17 issuing a conditional mortgage loan originator license to Kenny pursuant to ORS
18 86A.224(1)(b);

19 **WHEREAS** Kenny wishes to resolve her application for licensure expeditiously
20 and in full cooperation with the Director, she agrees to enter into a consent agreement and
21 order (“Order”) for conditional licensure as a mortgage loan originator pursuant to ORS
22 86A.200 to 86A.239;

23 **NOW THEREFORE**, the Director **GRANTS** a conditional mortgage loan
24 originator license to Kenny subject to continuously meeting the requirements to maintain
25 the license. Kenny **CONSENTS** to entry of this Order upon the Director’s Findings of
26 Fact and Conclusions of Law as stated hereinafter:



1 I. FINDINGS OF FACT

2 The Director FINDS that:

3 1. Respondent, NMLS ID Number 635397, applied for an Oregon mortgage loan
4 originator license on March 25, 2014, by completing an application (“Application”)
5 through the Nationwide Mortgage Licensing System (“NMLS”). Respondent did not and
6 has not ever held an Oregon mortgage loan originator license prior to this application.

7 2. Respondent’s original application contained a “yes” answer to two disclosure
8 questions including question K-2 on the Application that asks “[h]as any State or federal
9 regulatory agency or foreign financial regulatory authority or self-regulatory organization
10 (SRO) ever found you to have been involved in a violation of a financial services-related
11 business regulation(s) or statute(s)?” and question Q-1 that asks “[h]ave you ever voluntarily
12 resigned, been discharged, or permitted to resign after allegations were made that accused you
13 of violating statute(s), regulation(s), rule(s), or industry standards of conduct?”.

14 3. In response to the questions, Respondent disclosed that she was investigated by the
15 Division and terminated by her employer, Guild Mortgage Company (NMLS # 3274)
16 (hereinafter “Guild”), as a result of posting on social networking before she acquired her
17 mortgage loan originator license.

18 4. Although Respondent listed Guild as her employer in her explanation for the
19 disclosure questions, she did not list the company in her employment history.

20 5. On or before February 26, 2014, in response to a post listing a home for sale,
21 Respondent posted a comment on Facebook stating “I can help you get Pre-Qualified!!! [sic] Its
22 [sic] fast and easy! Call me today! Nichole Kenny Loan Officer for Guild Mortgage-Salem
23 Oregon, NMLS #635397.”

24 6. Respondent also maintained a page on Linked In in which she listed her employment
25 and experience including the following “Mortgage Loan Officer Guild Mortgage [...] January
26 2014 – Present (2 months) 1496 Commercial St NE Salem OR 97301.”



- 1 b. Respondent shall file an amendment updating any information
2 contained on Respondent's licensing application in NMLS within
3 30 days of the change of any information.
4 c. Respondent shall respond within 30 days to any deficiency placed
5 on Respondent's license in the NMLS.

6 12. If Respondent fails to comply with the conditions of this license, Respondent
7 agrees to notify the Division of the failure to meet the conditions and surrender the license
8 immediately. If Respondent fails to surrender the license within seven days of providing
9 notification to the Division or from the date that the Division notifies Respondent that the
10 Director believes that there has been a violation of this Order, whichever is earlier,
11 Respondent agrees that the conditional mortgage loan originator license shall be revoked
12 immediately.

13 13. The date of this order is the day the Director or the Director's nominee signs the
14 order. The entry of this Order does not in any way limit further remedies which may be
15 available to the Director under Oregon law.

16 Dated this 31st day of March, 2014.

17 Patrick M. Allen, Director
18 Department of Consumer and Business Services

19 /s/ David Tatman
20 David C. Tatman, Administrator
21 Division of Finance and Corporate Securities

22 **CONSENT TO ENTRY OF ORDER**

23 I, Nichole Therese Kenny, NMLS ID Number 635397, state that I have read the
24 foregoing Order, and I know and fully understand the contents hereof. I have been advised
25 of the right to a hearing and of the right to be represented by counsel in this matter. I desire
26 to resolve and settle this matter with the Director. I voluntarily, without any force or duress,

1 consent to the entry of this Order, expressly waiving any right to a hearing in this matter. I
2 understand that the Director reserves the right to take further actions to enforce this Order or
3 to take appropriate action upon discovery of other violations of the Oregon Loan Originator
4 Law, and I will fully comply with the terms and conditions stated herein.

5 I understand that this Consent Order is a public document.

6 Dated this 27th day of March, 2014.

7
8 /s/ Nichole Therese Kenny
Nichole Therese Kenny

9 Subscribed and sworn to before me this 27th day of March, 2014.

10
11 /s/ Elissa L Lovell
Signature of Notary

12 Elissa L Lovell
13 Printed Name of Notary Public
14 Notary Public for the State of: Oregon

15 My commission expires: 9/17/2016

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